IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 4809 of 2007(V)

PETITIONER:

ANNAKUTTY, W/O.GEORGE,
KUNNATH LHOUSE, PANAMKUTTY, KORENCHIRA POST,
KIZHAKKENCHERRY (VIA), PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.

RESPONDENTS:

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1. **THE ADDITIONAL DISTRICT MAGISTRATE**
   PALAKKAD.

2. **THE ASST.EXECUTIVE ENGINEER,**
   ELECTRICAL SUB DIVISION, KERALA STATE
   ELECTRICITY BOARD, VADAKKENCHERRY,
   PALAKKAD DISTRICT.

3. **THANKAPPAN, S/O.NARAYANAN,**
   KOTTEPARAMBIL HOUSE, PANAMKUTTY,
   KORENCHIRA POST, KIZHAKKENCHERRY (VIA)
   PALAKKAD DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.4809 of 2007-V

Dated this the 26th day of February, 2007.

JUDGMENT

The petitioner has approached this court challenging Ext.P7 order passed by the Additional District Magistrate, Palakkad permitting to draw electricity line through her property to give power connection to the third respondent. The petitioner submits, the property is covered by thick vegetation and if the line is drawn, substantial damage will be caused to her and the K.S.E.B. will have to compensate her for the said damage. She has suggested two alternate routes. The K.S.E.B. is not inclined to accept those suggestions for the reason that the route length was longer and corresponding cost will be high. The route suggested by the K.S.E.B. was less expensive and most feasible. On the basis of that finding, the Additional District Magistrate, by Ext.P7 accepted that proposal. But, to avoid cutting and removal of the trees, the Additional District Magistrate has directed to draw the line using cables. But, the petitioner attacks the Ext.P7 order on the ground that the Additional District Magistrate has not properly considered the suggestions regarding the alternate routes. It is also submitted that the compensation that has to be paid to her will be sufficient to meet the

additional expenses required for the routes suggested by her. Therefore, she prays for quashing Ext.P7.

2. The second respondent has filed a counter affidavit supporting the impugned order. In para 2 of the said affidavit it is stated as follows:

> *" After removing the objection raised by the writ petitioner the ADM has approved the route ABK having total length of 45m OH line and 25m of W/P wire. The said line is directed to be drawn using PVC cables. Cable line means the naked Aluminum Conductor is covered with PVC sheaths and therefore no tress need be cut and removed for the purpose of drawing the line. The apprehension of the petitioner to that extent is not correct. The alternate route suggested by the petitioner is through FEDCBK having total length of 142m OH line and 75m w/p wire requiring four electric posts. Another alternate route suggested by the petitioner is from the post P through the route PJIHGCBK involving total length of 157m of OH line and 25m of w/p wire requiring 6 posts. The K.S.E. Board as well as the beneficiary, a poor cable worker will be constrained to spend huge amounts for the purpose of drawing lines through both the above alternate routes in comparison to the sanctioned route for which the petitioner will not suffer any damage at all. There will not be dry decrease in the agricultural income of the petitioner on account of the drawl of the above line."*

3. Heard the learned counsel for the petitioner and the

learned Standing Counsel for the K.S.E.B. Going by the materials produced in this writ petition, it cannot be said that the stand taken by the Additional District Magistrate by directing to draw the line using cables the damage that may be caused to the petitioner may be minimised is arbitrary or perverse warranting interference by this court. Accordingly, the challenge against Ext.P7 is repelled and the writ petition is dismissed. But, in future, as a result of power supply in the neighborhood if any line is drawn through the neighborhood of the 3rd respondent, the petitioner will be free to move for shifting of the line.

K.BALAKRISHNAN NAIR,
MS JUDGE.